

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL GOLDMAN,

Plaintiff,

vs.

HEALTHCARE MANAGEMENT SYSTEMS, INC.)
and THOMAS E. GIVENS,

Defendants.

CASE NO.

1:05 CV 0035

THE DEPOSITION OF

THOMAS E. GIVENS

Taken on Behalf of the Plaintiff

April 20, 2006

CERTIFIED COPY

C O N F I D E N T I A L
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REPORTER AND NOTARY PUBLIC

FILE NO.: A002A65

1 probably the whole application would be externally
2 described, might be the reason he did that.

3 Q. Do you know who Mr. McCaghren's supervisor was
4 at the time?

5 A. Yes.

6 Q. Who was that?

7 A. Jim Dorsett.

8 Q. What is Jim Dorsett's title?

9 A. I'm not sure.

10 Q. Is he a programmer?

11 A. Yes.

12 Q. Did the removal of the commented code have
13 anything to do with this lawsuit?

14 A. The execution of this? Not really, but some of
15 it was to clean it up, to get something, you know,
16 instead of having a bunch of, you know, just junk out
17 there.

18 Q. When you say some of it was to get rid of some
19 of the junk, can you explain what you mean, how that
20 might relate to the lawsuit?

21 A. Just commented lines, you couldn't read the
22 code because it, you know, from where we changed
23 things. It may have star, star, star, it would have a
24 line of code and then star, star, star.

25 Q. Did any of the commented code reference

1 Q. And is that because you would have -- you
2 believe you would remember that if there had been?

3 A. I would remember if there had been.

4 Q. Did you know about Mr. McCaghren's plans to
5 remove the commented code before he did it?

6 A. Yes.

7 Q. How did you learn that he was going to do this?

8 A. Because I told him to.

9 Q. Did he come to you and say, I want to do this,
10 or did you go to him and tell him remove the commented
11 code?

12 A. I went to Jim Dorsett and said we needed to get
13 the medical records cleaned up so we could send it out.

14 Q. Back pedal a little bit. Showing you Exhibit
15 50.

16 (Marked Exhibit No. 50.)

17 BY MR. SMITH:

18 Q. This is a letter from your counsel to me, and
19 part of what was enclosed was Exhibit 49, which is the
20 medical records clients?

21 A. Uh-huh.

22 Q. And I just want to clarify any misunderstanding
23 or inconsistency. In her cover letter Ms. Jacobs
24 indicated it was a list of all HMS installations of
25 medical records clients since 1997. And my question